

**JUDGE'S COPY**

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**TERRANCE MONTAGUE,**  
**Plaintiff**

**v.**

**ROBERT W. MEYERS, et al.,**  
**Defendants**

**No. 1:CV-00-0895**

**(M.J. Smyser)**

**FILED  
HARRISBURG**

**NOV 28 2000**

**MARY E. D'ANDREA, CLERK**  
Per *MD*  
**DEPUTY CLERK**

**DEFENDANTS' MOTION FOR LEAVE TO DEPOSE PLAINTIFF**

Pursuant to Rule 30(a)(2) of the Federal Rules of Civil Procedure, defendants, by their counsel, move the Court for leave to take the deposition upon oral examination of the plaintiff at the State Correctional Institution at Rockview, Pennsylvania (SCI-Rockview). In support hereof, defendants state as follows:


1. This is a civil action for injunctive relief and damages brought pursuant to 42 U.S.C. § 1983.
2. Plaintiff is incarcerated at SCI-Rockview. His complaint challenges his conditions of confinement at the institution.
3. Counsel for defendants believes a deposition of the plaintiff will assist the parties and the Court to narrow the issues and clarify them for summary judgment or trial.
4. Federal Rules of Civil Procedure 30(a) requires a party to obtain leave of court to depose a person incarcerated in a prison.
5. The Court should grant defendants leave to depose plaintiff at a date and time to be arranged at SCI-Rockview.

**WHEREFORE**, defendants' motion for leave to depose plaintiff should be granted.

Respectfully submitted,

**D. MICHAEL FISHER**  
Attorney General

By:

  
**GREGORY R. NEUHAUSER**  
Senior Deputy Attorney General

**SUSAN J. FORNEY**  
Chief Deputy Attorney General  
Chief, Litigation Section

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Harrisburg, PA 17120  
717-787-8106

**DATE: November 28, 2000**

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TERRANCE MONTAGUE,  
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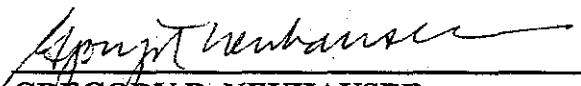
No. 1:CV-00-0895

(M.J. Smyser)

**CERTIFICATE OF SERVICE**

I, GREGORY R. NEUHAUSER, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on November 28, 2000, I caused to be served a true and correct copy of the foregoing document **Defendants' Motion for Leave to Depose Plaintiff** depositing it in the United States mail, first-class postage prepaid to the following:

Terrance Montague, BZ-2761  
SCI-Rockview  
Box A  
Bellefonte, PA 16823-0820



GREGORY R. NEUHAUSER  
Senior Deputy Attorney General